

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-24 are pending in this case. Claims 1, 2, 5, 8, 17, and 22-24 are amended by the present amendment. The changes to Claims 1 and 22-24 are supported in the originally filed disclosure at least at Figure 26 and at page 67, line 24, to page 68, line 33, and the changes to Claims 2, 5, 8, and 17 are only to correct minor informalities. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Goldman (U.S. Pub. No. 2002/0112239 A1) in view of Ellis, et al. (U.S. Pat. No. 6,774,926 B1, herein “Ellis”).

In the outstanding Office Action, Goldman was asserted as teaching every feature of Claim 1 except “displaying the statistical data in superimposed fashion,” as recited by Claim 1, which Ellis was asserted as teaching.

Applicants respectfully traverse the rejection of Claims 1-24 under 35 U.S.C. §103(a).

Amended Claim 1 recites “displaying the statistical data in superimposed fashion includes displaying the statistical data relative to individual programs **within at least two broadcast time ranges of the two-dimensional grid guide format.**”

Goldman illustrates, at Figures 2 and 3, and describes, at paragraphs [0027], [0048], and [0049], that individual viewing behavior of users (Fig. 2, ref. 98) may be tracked and compiled at a clearinghouse using a feedback channel such that a viewer behavior report (Fig. 3, ref. 109) may be provided to each user’s home entertainment system (Fig. 3, refs. 90’) to generate an Electronic Program Guide (“EPG”) which displays the users viewing behavior. To this end, Goldman illustrates, at Figure 4, and describes, at paragraph [0052], an EPG displaying, for the 8:00 to 8:30 time range, television programs ranked in decreasing order

based upon viewership (206) and also a display of the viewing population currently watching each program (208).

However, as illustrated in the EPG at Figure 4 of Goldman, **only one broadcast time range** (i.e., the 8:00 to 8:30 range) contains viewership information (206) and (208). Thus, Goldman does not teach or suggest “displaying the statistical data in superimposed fashion includes displaying the statistical data relative to individual programs **within at least two broadcast time ranges of the two-dimensional grid guide format**,” as recited by Claim 1, because, in the EPG of Goldman, statistical data is displayed for only the programs being currently broadcast and not for at least **two** broadcast time ranges as defined by Claim 1.

Ellis does not cure the above-discussed deficiencies of Goldman.

Ellis describes a system in which users may create personal television programming. However, the program listing guides of Ellis, as illustrated at Figures 9 and 10 of Ellis, do not display “the statistical data relative to individual programs **within at least two broadcast time ranges of the two-dimensional grid guide format**,” as recited in Claim 1. In fact, the program guide listings of Ellis do not display any statistical data, at all.

Thus, because Goldman and Ellis, even in combination, fail to describe at least the above-discussed features of Claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2-21, which depend therefrom, be withdrawn.

Claims 2-21 patentably define over the combination of Goldman and Ellis, not only by depending from Claim 1, but also by defining additional features which are also deficient in the combination of Goldman and Ellis.

For example, Claim 3 recites that “said audience rating of the program during the broadcast time thereof is obtained using the number of users of said user terminals which transmitted the information a predetermined number of times or more within a predetermined period, as a population parameter.”

Even assuming, *arguendo*, that the viewership information (206) or (208) of Goldman were asserted as the “audience rating,” as recited by Claim 3, Goldman describes, at paragraph [0037], that the viewership information (206) or (208) is compiled according to only enough information “to enable the system to determine the television program, if any, that is being displayed on the television.” To this end, Goldman suggests tracking only a channel ID, a subscriber ID, a program ID, and the title, city, state, and current date and time of the channel displayed. Because none of the information tracked by Goldman is “obtained using the number of users of said user terminals which transmitted the information a predetermined number of times or more within a predetermined period,” as recited by Claim 3, Goldman does not teach or suggest “said audience rating,” as defined by Claim 3.

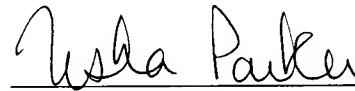
Ellis does not cure the above-discussed deficiencies of Goldman with respect to Claim 3 because Ellis is silent as to tracking the behavior of users.

Claims 22-24, although differing in scope and/or statutory class from Claim 1, patentably define over Goldman and Ellis for reasons similar to those discussed above with regard to Claim 1. Thus, Applicants respectfully request that the rejection of Claims 22-24, under 35 U.S.C. §103(a), be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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